

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2020 MAY -8 PM 3:40

CLERK

BY LAW
DEPUTY CLERK

ELISABETH DIGNITTI,

Plaintiff

v.

Civil Action No. 1:20-cv-_____

THE BRATTLEBORO RETREAT,

2:20-cv-72

Defendant

NOTICE OF REMOVAL AND DEMAND FOR JURY TRIAL

Please take notice that pursuant to 28 U.S.C. §1446, defendant The Brattleboro Retreat (“The Retreat”), by its attorneys, Jackson Lewis P.C., hereby removes this action from the Superior Court of the State of Vermont, Windham County, to the United States District Court for the District of Vermont.

In support of this Notice of Removal, the Retreat states as follows:

1. By Complaint dated April 9, 2020 and filed on or about April 29, 2020 in the Windham County Superior Court, plaintiff Elisabeth Dignitti (“Dignitti”) filed a civil action against the Retreat. In accordance with 28 U.S.C. § 1446(a), a copy of plaintiff’s Complaint is attached hereto as Exhibit 1, a certified copy of which is to be forwarded as part of the state court record upon receipt of the record from the Windham County Superior Court.

2. Pursuant to 28 U.S.C. §1446(a), this notice of removal is timely filed within thirty (30) days of April 9, 2020, the date on which counsel for the Retreat received an unsigned copy of the Complaint and Summons in a Civil Action from counsel for Dignitti with a request to accept service. Counsel for the Retreat subsequently executed a Waiver of Service of Summons

on or about April 16, 2020 in accordance with V.R.C.P Rule 4(l), and has returned the Waiver to counsel for Dignitti.

3. The Retreat has not served any answer or responsive pleading to the Complaint, nor made any appearance or argument before the state court.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1332(a)(1) and §1441(a), and it may be removed to this Court by the Retreat because, upon information and belief, the amount in controversy exceeds \$75,000, exclusive of interest and costs, and there exists complete diversity of citizenship between the parties in that:

a. Dignitti is now, and was when this action commenced, a resident of the State of New Hampshire.

b. The Retreat is a domestic non-profit corporation incorporated in and has a principal place of business in the State of Vermont.

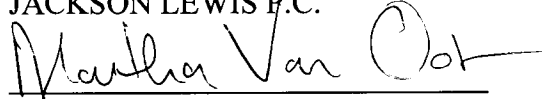
c. A reasonable reading of the Complaint establishes that the \$75,000 amount in controversy requirement under 28 U.S.C. §1332(a)(1) is satisfied. Dignitti claims damages, including but not limited to, lost wages, emotional distress, attorneys' fees and costs and punitive damages, arising out of the termination of her employment at the Retreat.

4. As this Court would have had original jurisdiction of this action had it been filed in this Court, removal is proper pursuant to 28 U.S.C. §1441(a).

5. The Retreat submits this Notice without waiving any defenses to the claims asserted by Dignitti or conceding that Dignitti has pled claims upon which relief can be granted.

Dated: May 7, 2020

Respectfully Submitted,
THE BRATTLEBORO RETREAT,
By its attorneys,
JACKSON LEWIS P.C.




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CERTIFICATION

I certify that a copy of the within pleading was served this day on the counsel for the Plaintiff, John C. Mabie, Esq., Windham Law, PLC, 45 Linden Street, Brattleboro, VT 05301 (jmabie@windhamlawvt.com) by e-mail.

Dated: May 7, 2020



Martha Van Oot, VT # 4117

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